

September 27, 2023

VIA CM/ECF

Hon. Gregory H. Woods
United States District Court, Southern District of New York
500 Pearl Street, Room 1920, New York, NY 10007

Re: *U.S. Bank National Association, et al. v. The Charitable Donor Advised Fund, L.P. and CLO HoldCo, Ltd.*, **Case No. 1:21-cv-11059-GHW.**

Dear Judge Woods,

Defendants/Counter-Plaintiffs Charitable DAF Fund, LP a/k/a The Charitable Donor Advised Fund, L.P. (“DAF”) and CLO HoldCo, Ltd. (“CLOH”) (collectively the “DAF Parties”), Plaintiffs/Counter-Defendants U.S. Bank National Association, in its capacity as trustee, (“U.S. Bank”), Acis Capital Management, L.P. (“ACM”), and Joshua N. Terry (collectively “Plaintiffs”), and Counter-Defendant Highland CLO Funding, Ltd. (“HCLOF”) (the DAF Parties, Plaintiffs, and HCLOF being collectively referred to as the “Parties”), jointly submit this proposed briefing schedule for the motions concerning discovery permitted by the Court during the September 22, 2023, pre-motion telephonic conference. Two joint pre-motion discovery letters, Dkt. 192 and Dkt. 194, were addressed during that conference.

The Parties propose Friday, September 29, 2023, as the deadline for the filing of the DAF Parties’ two discovery motions (one regarding Plaintiffs and one regarding HCLOF; the “Motions”). The Parties propose Friday, October 13, 2023, as the deadline for Plaintiffs and HCLOF to file their respective responses (“Responses”) to the respective Motions. The Parties propose Friday, October 20, 2023, as the deadline for the DAF Parties to file any replies to the Responses.

The Parties thank the Court for its consideration and attention to this proposal.

In making this proposal, none of the Parties waive any of their respective substantive or procedural rights, all of which they respectively reserve.

Respectfully submitted,

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